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SASHA M. D'AMICO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

JEFFREY A. AMES and SASHA M.
D'AMICO,

Plaintiffs,

v.

CITY OF NOVATO; LT. OLIVER
COLLINS; and DOES 1-10,

Defendants.

Case No.: 3:16-cv-02590-JST

Complaint Filed: May 13, 2016
FAC Filed: May 16, 2016

**STIPULATION AND ORDER TO CONTINUE
CASE MANAGEMENT CONFERENCE, ADR
STIPULATION/NOTICE FOR PHONE
CONFERENCE DEADLINE, AND RELATED
DATES**

1 Plaintiffs Jeffrey Ames and Sasha D'Amico ("Plaintiffs") and Defendants City of Novato
 2 and Oliver Collins (collectively, "Defendants") by and through their respective counsel of record,
 3 hereby stipulate as follows for consideration and approval by the Court:

4 A. WHEREAS, Plaintiffs filed a First Amended Complaint for Damages on May 16,
 5 2016, and served Defendants on May 20, 2016;

6 B. WHEREAS, on May 31, 2016, the parties agreed and stipulated to extending
 7 Defendants' time to respond to Plaintiffs' First Amended Complaint from June 10,
 8 2016, to July 6, 2016;

9 C. WHEREAS, on July 6, 2016, Defendants City of Novato and Lt. Oliver Collins filed a
 10 Motion to Dismiss Portions of Plaintiffs' First Amended Complaint;

11 D. WHEREAS, on July 6, 2016, the Court scheduled a Case Management Conference for
 12 September 14, 2016. The parties' Case Management Conference Statement is due
 13 September 7, 2016;

14 E. WHEREAS, on July 14, 2016, Defendants City of Novato and Lt. Oliver Collins filed
 15 a Motion to Sever Plaintiff D'Amico's Claims into a Separate Action;

16 F. WHEREAS, on July 19, 2016, the parties agreed and stipulated, and this Court
 17 approved, that the hearing on Defendants' Motion to Dismiss Portions of Plaintiffs'
 18 First Amended Complaint and Motion to Sever Plaintiff D'Amico's Claims into
 19 Separate Action be continued to September 1, 2016, at 2:00 p.m. and to extend
 20 briefing dates. This stipulation was necessitated by Plaintiff's counsel Mary Shea's
 21 stated intention to withdraw from the case due to a serious medical condition;

22 G. WHEREAS, Fulvio Cajina associated in as co-counsel for Plaintiffs on August 10,
 23 2016;

24 H. WHEREAS, the hearing on Defendants' Motion to Sever is on calendar for September
 25 1, 2016;

26 I. WHEREAS, the court vacated the September 1, 2016, hearing set for Defendants'
 27 Motion to Dismiss, and will be issuing a decision without oral argument; and

28 NOW THEREFORE, the Plaintiffs and Defendants stipulate, by and through their counsel

and pursuant to Court approval, that:

1. That in the interest of justice and to minimize litigation costs, and because the decisions of the Defendants' Motion to Sever and Motion to Dismiss are pending, the parties request that this Court continue the Case Management Conference from September 14, 2016, in Courtroom 9 of the above-entitled Court, to Wednesday, October 12, 2016.
2. No party will be prejudiced by a continuance of the Case Management Conference by 30 days from September 14, 2016, to Wednesday, October 12, 2016. The parties further stipulate that a joint case management statement must be filed five court days in advance of the continued case management conference, on or before October 4, 2016.
3. The parties agree: (a) to conduct the FRCP 26(f) conference on or before September 14, 2016, and (b) to complete initial disclosures and file the FRCP 26(f) report on or before October 4, 2016.
4. The parties agree to extend the deadline for filing either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference, to September 14, 2016.
5. The parties agree that discovery may commence as of October 4, 2016.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: August 31, 2016

LIEBERT CASSIDY WHITMORE

By: /S/ SUZANNE SOLOMON

Suzanne Solomon
Arlin Kachalia
Attorneys for Defendants CITY OF
NOVATO and LT. OLIVER COLLINS

1 Dated: August 31, 2016

THE SHEA LAW OFFICES

2
3 By: /S/ MARY J. SHEA

Mary J. Shea
Attorneys for Plaintiffs JEFFREY A.
AMES and SASHA M. D'AMICO

4
5
6 Dated: August 31, 2016

LAW OFFICE OF FULVIO F. CAJINA

7
8 By: /S/ FULVIO J. CAJINA

Fulvio J. Cajina
Attorneys for Plaintiffs JEFFREY A.
AMES and SASHA M. D'AMICO

9
10
11 **[PROPOSED] ORDER**

12 1. The Case Management Conference is continued from September 14, 2016, to
October 19, 2016
13 ~~October 12, 2016~~ at 2:00 p.m. in Courtroom 9 of the above-entitled Court.

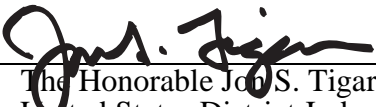
14 2. The parties' joint case management statement must be filed five court days in
advance of the continued case management conference, on or before ~~October 4, 2016.~~
October 11, 2016.

15
16 3. The parties shall a) conduct the FRCP 26(f) conference on or before September 14,
17 2016, and b) complete initial disclosures and file the FRCP 26(f) report on or before October 4,
18 2016.

19 4. The parties' deadline for filing either a Stipulation and [Proposed] Order Selecting
20 an ADR Process or a Notice of Need for ADR Phone Conference, is extended to September 14,
21 2016.

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23
24
25 Dated: August 31, 2016


The Honorable Jon S. Tigar
United States District Judge